

The Honorable Tana Lin
United States District Judge

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KURT A. BENSHOOF, et al.) No. 2:24-cv-00343-TL
Plaintiff,)
v.) SHORELINE AND KING COUNTY
CITY OF SHORELINE, et al.,) DEFENDANTS' OPPOSITION TO
Defendants.) MOTION FOR "JURISDICTIONAL
) DISCOVERY"
)
) Noted for November 19, 2024
)

Plaintiff Benshoof filed this lawsuit on March 11, 2024, and was granted in forma pauperis status. Dkts. 13, 14.¹ Defendants King County, Deputy Akers, and Thompson (hereinafter “King County Defendants”) answered the complaint on May 31, 2024. Dkt. 27. Defendant City of Shoreline answered the complaint on July 1, 2024. Dkt. 46. Defendants Town & County Markets and Fagan filed a motion to dismiss pursuant to FRCP 12(b) that was re-noted by this Court for September 30, 2024. Dkt. 43, 57. Defendant Shoreline and King County Defendants filed a motion to dismiss pursuant to FRCP 12(c) on August 30, 2024, which was noted for September 30, 2024. Dkt. 59.

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¹ Plaintiff Gage has been dismissed from this lawsuit by this Court for failure to prosecute after she failed to respond to the Court's Order to Show Cause. Dkts. 56, 63.

1 In July, Benshoof was arrested and remains in jail in King County pending various criminal
 2 charges in Seattle Municipal Court and King County Superior Court. Dkt 62.² Benshoof has filed
 3 motions to stay this matter indefinitely, which the defendants have opposed. Dkts. 62, 64, 65, 67,
 4 69, 70, 71, 72.

5 On October 29, 2024, Benshoof filed a pleading purported to be a “combined” reply to
 6 Defendants’ opposition to his motions to stay and “motion for Jurisdictional Discovery.” Dkts. 71,
 7 72. This Court noted the motion for November 19.

8 While the motion purports to contain Benshoof’s signature, it also purports to have been
 9 drafted and is signed by a person named Urve Maggitti, who does not appear to be a licensed
 10 attorney and apparently lives in Pennsylvania. Washington law prohibits the unauthorized practice
 11 of law. Rev. Code of Wash. § 2.48.180. A person that prepares legal forms is practicing law. *State*
 12 *v. Hunt*, 75 Wash. App. 795, 802, 880 P.2d 96 (1994). Courts generally strike pleadings filed by
 13 individuals engaged in the unauthorized practice of law. *See e.g. Seco v. Homestead Apartments*,
 14 2024 WL 3566592, at *1 (W.D. Wash. July 29, 2024) (collecting cases). To the extent that the
 15 motion has been prepared and filed by a person not authorized to practice law, it should be stricken.

16 Moreover, the motion for “jurisdictional discovery” is unintelligible. Benshoof cites FRCP
 17 26(b)(1). That provisions defines the scope of discovery generally. Defendants have received no
 18 discovery requests in this case. Dec. of Summers.

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 21 ² On September 27, 2024, Benshoof was convicted by a jury of one count of misdemeanor
 22 custodial interference and 80 counts of misdemeanor violation of a court order in Seattle
 23 Municipal Court. Declaration of Ann Summers In Support of Opposition to Motion for
 “Jurisdictional Discovery,” Ex. A. Benshoof remains in custody pending sentencing on those
 convictions, and is also in custody pending trial on three felonies in King County Superior Court:
 one count of stalking, and two counts of attempting to elude a pursuing police vehicle. *Id.*, Ex. B
 and C. Counsel has been appointed for Benshoof in his felony case. *Id.*, Ex. C.

Jurisdictional discovery is permitted where there are facts bearing on the question of jurisdiction that are in dispute. *Burri Law PA v. Skurla*, 35 F.4th 1207, 1217-18 (9th Cir. 2022). There are no disputed facts pertaining to Benshoof's motions to stay that bear on the question of this Court's jurisdiction.

Benshoof's motion and request for a hearing should be denied.

I certify that this Memorandum contains 552 words in compliance with Local Civil Rules.

DATED this 1st day of November, 2024.

LEESA MANION (she/her)
King County Prosecuting Attorney

By: Ann Summers
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CERTIFICATE OF FILING AND SERVICE

I hereby certify that on November 1, 2024, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF E-filing system which will send automatic notification to the following:

Kurt A. Benshoof
kurtbenshoof1@gmail.com
Pro Se Plaintiff

I also hereby certify that on November 1, 2024, I also sent the same via US Postal Service to the following:

Kurt A. Benshoof
B/A 2024-008067
King County Correctional Facility
500 Fifth Ave.
Seattle, WA 98104

I declare under penalty of perjury under the laws of the United States of America and the State of Washington that the foregoing is true and correct.

DATED this 1st day of November, 2024.

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RAFAEL A. MUÑOZ-CINTRON
Paralegal I – Litigation Section
King County Prosecuting Attorney's Office